

103D CONGRESS
1ST SESSION

S. 184

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1993

Referred to the Committee on Natural Resources

AN ACT

To provide for the exchange of certain lands within the
State of Utah, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Utah Schools and
5 Lands Improvement Act of 1993”.

1 **SEC. 2. UTAH-NAVAJO LAND EXCHANGE.**

2 (a) ADDITIONS TO RESERVATION.—For the purpose
3 of securing in trust for the Navajo Nation certain lands
4 belonging to the State of Utah, which comprise approxi-
5 mately thirty-eight thousand five hundred acres of surface
6 and subsurface estate, and approximately an additional
7 nine thousand five hundred areas of subsurface estate, as
8 generally depicted on the map entitled “Utah-Navajo
9 Land Exchange”, dated May 18, 1992, such lands are
10 hereby declared to be part of the Navajo Indian Reserva-
11 tion in the State of Utah effective upon the completion
12 of conveyance from the State of Utah and acceptance of
13 title by the United States.

14 (b) AUTHORIZATION.—The Secretary of the Interior
15 is authorized to acquire through exchange those lands and
16 interests in land described in subsection (a) which are
17 owned by the State of Utah, subject to valid existing
18 rights.

19 **SEC. 3. STATE LANDS WITHIN THE GOSHUTE INDIAN RES-**
20 **ERVATION.**

21 (a) ADDITIONS TO RESERVATION.—For the purpose
22 of securing in trust for the Goshute Indian Tribe certain
23 lands belonging to the State of Utah, which comprise ap-
24 proximately nine hundred eighty acres of surface and sub-
25 surface estate, and an additional four hundred and eighty
26 acres of subsurface estate, as generally depicted on the

1 map entitled “Utah-Goshute Land Exchange”, dated May
2 18, 1992, such lands are hereby declared to be part of
3 the Goshute Indian Reservation in the State of Utah effec-
4 tive upon the completion of conveyance from the State of
5 Utah and acceptance of title by the United States.

6 (b) AUTHORIZATION.—The Secretary of the Interior
7 is authorized to acquire through exchange those lands and
8 interests in land described in subsection (a) which are
9 owned by the State of Utah, subject to valid existing
10 rights.

11 (c) OTHER LAND.—(1) The following tract of Fed-
12 eral land located in the State of Nevada, comprising ap-
13 proximately five acres more or less, together with all im-
14 provements thereon, is hereby declared to be part of the
15 Goshute Indian Reservation, and shall be held in trust for
16 the Goshute Indian Tribe: Township 30 North, Range 69
17 East, lots 5, 6, 7, 9, 11, and 14 of section 34.

18 (2) No part of the lands referred to in paragraph (1)
19 shall be used for gaming or any related purpose.

20 **SEC. 4. IMPLEMENTATION.**

21 The exchanges authorized by sections 2 and 3 of this
22 Act shall be conducted without cost to the Navajo Nation
23 and the Goshute Indian Tribe.

1 **SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYS-**
2 **TEM.**

3 (a) AUTHORIZATION.—The Secretary of Agriculture
4 is authorized to accept on behalf of the United States title
5 to the school and institutional trust lands by the State
6 of Utah within units of the National Forest System, com-
7 prising approximately seventy-six thousand acres as de-
8 picted on a map entitled “Utah Forest Land Exchange”,
9 dated May 18, 1992.

10 (b) STATUS.—Any lands acquired by the United
11 States pursuant to this section shall become a part of the
12 national forest within which such lands are located and
13 shall be subject to all the laws and regulations applicable
14 to the National Forest System.

15 **SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK SYS-**
16 **TEM.**

17 (a) AUTHORIZATION.—The Secretary of the Interior
18 is hereby authorized to accept on behalf of the United
19 States title to all school and institutional trust lands
20 owned by the State of Utah located within all units of the
21 National Park System, comprising approximately eighty
22 thousand acres, located within the State of Utah on the
23 date of enactment of this Act.

24 (b) STATUS.—(1) Notwithstanding any other provi-
25 sion of law, all lands of the State of Utah within units
26 of the National Park System that are conveyed to the

1 United States pursuant to this section shall become a part
2 of the appropriate unit of the National Park System, and
3 shall be subject to all laws and regulations applicable to
4 that unit of the National Park System.

5 (2) The Secretary of the Interior shall, as a part of
6 the exchange process of this Act, compensate the State
7 of Utah for the fair market value of five hundred eighty
8 and sixty-four one-hundredths acres within Capitol Reef
9 National Park that were conveyed by the State of Utah
10 to the United States on July 2, 1971, for which the State
11 has never been compensated. The fair market value of
12 these lands shall be established pursuant to section 8 of
13 this Act.

14 **SEC. 7. OFFER TO STATE.**

15 (a) SPECIFIC OFFERS.—Within thirty days after en-
16 actment of this Act, the Secretary of the Interior shall
17 transmit to the State of Utah a list of lands, or interests
18 in lands, within the State of Utah for transfer to the State
19 of Utah in exchange for the state lands and interests de-
20 scribed in sections 2, 3, 5, and 6 of this Act. Such list
21 shall include only the following Federal lands, or interests
22 therein:

23 (1) Blue Mountain Telecommunications Site,
24 fee estate, approximately six hundred and forty
25 acres.

1 (2) Beaver Mountain Ski Resort site, fee estate,
2 approximately three thousand acres, as generally de-
3 picted on the map entitled “Beaver Mountain Ski
4 Resort” dated September 16, 1992.

5 (3) The unleased coal located in the Winter
6 Quarters Tract.

7 (4) The unleased coal located in the Crandall
8 Canyon Tract.

9 (5) All royalties receivable by the United States
10 with respect to coal leases in the Quitcupah (Con-
11 vulsion Canyon) Tract.

12 (6) The unleased coal located in the Cotton-
13 wood Canyon Tract.

14 (7) The unleased coal located in the Soldier
15 Creek Tract.

16 (b) ADDITIONAL OFFERS.—(1) In addition to the
17 lands and interests specified in subsection (a), the Sec-
18 retary of the Interior shall offer to the State of Utah a
19 portion of the royalties receivable by the United States
20 with respect to Federal geothermal, oil, gas, or other min-
21 eral interests in Utah which on December 31, 1992, were
22 under lease and covered by an approved permit to drill
23 or plan of development and plan of reclamation, were in
24 production, and were not under administrative or judicial
25 appeal.

1 (2) No offer under this subsection shall be for royal-
2 ties aggregating more than 50 per centum of the total ap-
3 praised value of the State lands described in sections 2,
4 3, 5, and 6.

5 (3) The Secretary shall make no offer under this sub-
6 section which would enable the State of Utah to receive
7 royalties under this section exceeding \$12,500,000 annu-
8 ally.

9 (4) If the total value of lands and interests therein
10 and royalties offered to the State pursuant to subsections
11 (a) and (b) is less than the total value of the State lands
12 described in sections 2, 3, 5, and 6, the Secretary shall
13 provide the State a list of all public lands in Utah that
14 as of December 31, 1992, the Secretary, in resource man-
15 agement plans prepared pursuant to the Federal Land
16 Policy and Management Act of 1976, had identified as
17 suitable for disposal by exchange or otherwise, and shall
18 offer to transfer to the State any or all of such lands,
19 as selected by the State, in partial exchange for such State
20 lands, to the extent consistent with other applicable laws
21 and regulations.

22 **SEC. 8. APPRAISAL OF LANDS TO BE EXCHANGED.**

23 (a) EQUAL VALUE.—All exchanges authorized under
24 this Act shall be for equal value. No later than ninety days
25 after enactment of this Act, the Secretary of the Interior,

1 the Secretary of Agriculture, and the Governor of the
2 State of Utah shall provide for an appraisal of the lands
3 or interests therein involved in the exchanges authorized
4 by this Act. A detailed appraisal report shall utilize nation-
5 ally recognized appraisal standards including, to the ex-
6 tent appropriate, the uniform appraisal standards for Fed-
7 eral land acquisition.

8 (b) DEADLINE AND DISPUTE RESOLUTION.—(1) If
9 after two years from the date of enactment of this Act,
10 the parties have not agreed upon the final terms of some
11 or all of the exchanges authorized by this Act, including
12 the value of the lands involved in some or all of such ex-
13 changes, notwithstanding any other provisions of law, the
14 United States District Court for the District of Utah,
15 Central Division, shall have jurisdiction to hear, deter-
16 mine, and render judgment on the value of any and all
17 lands, or interests therein, involved in the exchange.

18 (2) No action provided for in this subsection may be
19 filed with the Court sooner than two years and later than
20 five years after the date of enactment of this Act. Any
21 decision of a District Court under this Act may be ap-
22 pealed in accordance with the applicable laws and rules.

23 (c) ADJUSTMENT.—If the State shares revenue from
24 the selected Federal properties, the value of such prop-
25 erties shall be the value otherwise established under this

1 section, less the percentage which represents the Federal
2 revenue sharing obligation, but such adjustment shall not
3 be considered as reflecting a property right of the State
4 of Utah.

5 (d) INTEREST.—Any royalty offer by the Secretary
6 pursuant to subsection 7(b) shall be adjusted to reflect
7 net present value as of the effective date of the exchange.
8 The State shall be entitled to receive a reasonable rate
9 of interest at a rate equivalent to a five-year Treasury note
10 on the balance of the value owed by the United States
11 from the effective date of the exchange until full value is
12 received by the State and mineral rights revert to the
13 United States as prescribed by subsection 9(a)(3).

14 **SEC. 9. TRANSFER OF TITLE.**

15 (a) TERMS.—(1) The State of Utah shall be entitled
16 to receive so much of those lands or interests in lands and
17 additional royalties described in section 7 that are offered
18 by the Secretary of the Interior and accepted by the State
19 as are equal in value to the State lands and interests de-
20 scribed in sections 2, 3, 5, and 6.

21 (2) For those properties where fee simple title is to
22 be conveyed to the State of Utah, the Secretary of the
23 Interior shall convey, subject to valid existing rights, all
24 right, title, and interest, subject to the provisions of sub-
25 section (b). For those properties where less than fee simple

1 is to be conveyed to the State of Utah, the Secretary shall
2 reserve to the United States all remaining right, title, and
3 interest of the United States.

4 (3) All right, title, and interest in any mineral rights
5 described in section 7 that are conveyed to the State of
6 Utah pursuant to this Act shall revert to the United States
7 upon removal of minerals equal in value to the value at-
8 tributed to such rights in connection with an exchange
9 under this Act.

10 (4) If the State of Utah accepts the offers provided
11 for in this Act, the State shall convey to the United States,
12 subject to valid existing rights, all right, title, and interest
13 of the State to all school and institutional trust lands de-
14 scribed in sections 2, 3, 5, and 6 of this Act. Except as
15 provided in section 7(b), conveyance of all lands or inter-
16 ests in lands shall take place within sixty days following
17 agreement by the Secretary of the Interior and the Gov-
18 ernor of the State of Utah, or entry of an appropriate
19 order of judgment by the District Court.

20 (b) INSPECTIONS.—Both parties shall inspect all per-
21 tinent records and shall conduct a physical inspection of
22 the lands to be exchanged pursuant to this Act for the
23 presence of any hazardous materials as presently defined
24 by applicable law. The results of those inspections shall
25 be made available to the parties. Responsibility for costs

1 of remedial action related to materials identified by such
2 inspections shall be borne by those entities responsible
3 under existing law.

4 (c) CONDITIONS.—(1) With respect to the lands and
5 interests described in section 7, enactment of this Act
6 shall be construed as satisfying the provisions of section
7 206(a) of the Federal Land Policy and Management Act
8 of 1976 requiring that exchanges of lands be in the public
9 interest.

10 (2) Development of any mineral interest transferred
11 to the State of Utah pursuant to this Act shall be subject
12 to all laws, rules, and regulations applicable to develop-
13 ment of non-Federal mineral interests, including, where
14 appropriate, laws, rules, and regulations applicable to such
15 development within National Forests.

16 **SEC. 10. LEGAL DESCRIPTIONS.**

17 (a) IN GENERAL.—As soon as practicable after the
18 date of enactment of this Act, a map and legal description
19 of the lands added to the Navajo and Goshute Indian Res-
20 ervations and all lands exchanged under this Act shall be
21 filed by the appropriate Secretary with the Committee on
22 Natural Resources of the United States House of Rep-
23 resentatives and the Committee on Energy and Natural
24 Resources of the United States Senate, and each such map
25 and description shall have the same force and effect as

1 if included in this Act, except that the appropriate Sec-
2 retary may correct clerical and typographical errors in
3 each such legal description and map. Each such map and
4 legal description shall be on file and available for public
5 inspection in the offices of the Secretary of Agriculture
6 and the Secretary of the Interior and the Utah offices of
7 the appropriate agencies of the Department of the Interior
8 and Department of Agriculture.

9 (b) PILT.—Section 6902(b) of title 31, United States
10 Code, is amended by striking “acquisition.” and inserting
11 in lieu thereof “acquisition, nor does this subsection apply
12 to payments for lands in Utah acquired by the United
13 States if at the time of such acquisition units, under appli-
14 cable State law, were entitled to receive payments from
15 the State for such lands, but in such case no payment
16 under this chapter with respect to such acquired lands
17 shall exceed the payment that would have been made
18 under State law if such lands had not been acquired.”.

19 (c) INTENT.—The lands and interests described in
20 section 7 are an offer related only to the State lands and
21 interests described in this Act, and nothing in this Act
22 shall be construed as precluding conveyance of other lands
23 or interests to the State of Utah pursuant to other ex-
24 changes under applicable existing law or subsequent act
25 of Congress. It is the intent of Congress that the State

(e) DEFINITION.—As used in this Act, the term (1) “School and Institutional Trust Lands” means those properties granted by the United States in the Utah Enabling Act to the State of Utah in trust and other lands which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act; and (2) “Secretary” means the Secretary of the Interior; unless specifically defined otherwise.

17 There are authorized to be appropriated such sums
18 as are necessary to carry out this Act.

Attest: WALTER J. STEWART,
Secretary.